

## Safety Management SARPs (Extract)

### ANNEX 13 (Amdt 12B)

#### Chapter 3 - STATE SAFETY PROGRAMME

3.2 States shall establish a State safety programme, in order to achieve an acceptable level of safety in civil aviation.

*Note.— A framework for the implementation and maintenance of a State safety programme is contained in Attachment F and guidance on a State safety programme is contained in the Safety Management Manual (SMM) (Doc 9859).*

#### Chapter 8 - ACCIDENT PREVENTION MEASURES

*Note.— The objective of these specifications is to promote accident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme.*

##### ***Incident reporting systems***

8.1 A State shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

8.2 A State shall establish a voluntary incident reporting system to facilitate collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system.

*Note.— States are encouraged to establish other safety data collection and processing systems to collect safety information that may not be captured by the incident reporting systems mentioned in 8.1 and 8.2 above.*

8.3 A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information.

*Note 1.— A non-punitive environment is fundamental to voluntary reporting.*

*Note 2.— States are encouraged to facilitate and promote the voluntary reporting of events that could affect aviation safety by adjusting their applicable laws, regulations and policies, as necessary.*

*Note 3.— Guidance related to both mandatory and voluntary incident reporting systems is contained in the Safety Management Manual (SMM) (Doc 9859).*

*Note 4.— Attachment E contains legal guidance for the protection of information from safety data collection and processing systems.*

##### ***Database systems and analysis — Preventive actions***

8.4 A State shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained, including that from its incident reporting systems, and to determine any preventive actions required.

**8.5 Recommendation.—** *The database systems should use standardized formats to facilitate data exchange.*

*Note 1.— Guidance material related to the specification for such databases will be provided by ICAO upon request from States.*

*Note 2.— States are encouraged to foster regional arrangements, as appropriate, when implementing 8.4.*

*Note 3.— Additional information on which to base preventive actions may be contained in the Final Reports on investigated accidents and incidents.*

**8.6 Recommendation.—** *A State should, following the identification of preventive actions required to address actual or potential safety deficiencies, implement these actions and establish a process to monitor implementation and effectiveness of the responses.*

*Note.— Additional information on which to base preventive actions may be contained in the Final Reports on investigated accidents and incidents.*

**8.7 Recommendation.—** *If a State, in the analysis of the information contained in its database, identifies safety matters considered to be of interest to other States, that State should forward such safety information to them as soon as possible.*

**8.8 Recommendation.—** *In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they should also be transmitted to that State's investigation authority.*

#### ***Exchange of safety information***

**8.9 Recommendation.—** *States should promote the establishment of safety information sharing networks among all users of the aviation system and should facilitate the free exchange of information on actual and potential safety deficiencies.*

*Note.— Standardized definitions, classifications and formats are needed to facilitate data exchange. Guidance material on the specifications for such information-sharing networks will be provided by ICAO upon request.*

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### **ATTACHMENT E.**

## **LEGAL GUIDANCE FOR THE PROTECTION OF INFORMATION FROM SAFETY DATA COLLECTION AND PROCESSING SYSTEMS**

### **1. INTRODUCTION**

1.1 The protection of safety information from inappropriate use is essential to ensure its continued availability, since the use of safety information for other than safety-related purposes may inhibit the future availability of such information, with an adverse effect on safety. This fact was recognized by the 35th Assembly of ICAO, which noted that existing national laws and regulations in many States may not adequately address the manner in which safety information is protected from inappropriate use.

1.2 The guidance contained in this Attachment is therefore aimed at assisting States enact national laws and regulations to protect information gathered from safety data collection and processing systems (SDCPS), while allowing for the proper administration of justice. The objective is to prevent the inappropriate use of information collected solely for the purpose of improving aviation safety.

1.3 Because of the different legal systems in States, the legal guidance must allow States the flexibility to draft their laws and regulations in accordance with their national policies and practices.

1.4 The guidance contained in this Attachment, therefore, takes the form of a series of principles that have been distilled from examples of national laws and regulations provided by States. The concepts described in these principles could be adapted or modified to meet the particular needs of the State enacting laws and regulations to protect safety information.

1.5 Throughout this Attachment:

- a) *safety information* refers to information contained in SDCPS established for the sole purpose of improving aviation safety, and qualified for protection under specified conditions in accordance with 3.1 below;
- b) *operational personnel* refers to personnel involved in aviation operations who are in a position to report safety information to SDCPS. Such personnel include, but are not limited to, flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, cabin crews, flight dispatchers and apron personnel;
- c) *inappropriate use* refers to the use of safety information for purposes different from the purposes for which it was collected, namely, use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public;
- d) SDCPS refers to processing and reporting systems, databases, schemes for exchange of information, and recorded information and include:
  - 1) records pertaining to accident and incident investigations, as described in Chapter 5;
  - 2) mandatory incident reporting systems, as described in Chapter 8;
  - 3) voluntary incident reporting systems, as described in Chapter 8; and
  - 4) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.

*Note.— Information on safety data collection and processing systems can be found in the Safety Management Manual (SMM) (Doc 9859).*

## **2. GENERAL PRINCIPLES**

2.1 The sole purpose of protecting safety information from inappropriate use is to ensure its continued availability so that proper and timely preventive actions can be taken and aviation safety improved.

2.2 It is not the purpose of protecting safety information to interfere with the proper administration of justice in States.

2.3 National laws and regulations protecting safety information should ensure that a balance is struck between the need for the protection of safety information in order to improve aviation safety, and the need for the proper administration of justice.

2.4 National laws and regulations protecting safety information should prevent its inappropriate use.

2.5 Providing protection to qualified safety information under specified conditions is part of a State's safety responsibilities.

### **3. PRINCIPLES OF PROTECTION**

3.1 Safety information should qualify for protection from inappropriate use according to specified conditions that should include, but not necessarily be limited to: the collection of information was for explicit safety purposes and the disclosure of the information would inhibit its continued availability.

3.2 The protection should be specific for each SDCPS, based upon the nature of the safety information it contains.

3.3 A formal procedure should be established to provide protection to qualified safety information, in accordance with specified conditions.

3.4 Safety information should not be used in a way different from the purposes for which it was collected.

3.5 The use of safety information in disciplinary, civil, administrative and criminal proceedings should be carried out only under suitable safeguards provided by national law.

### **4. PRINCIPLES OF EXCEPTION**

Exceptions to the protection of safety information should only be granted by national laws and regulations when:

- a) there is evidence that the occurrence was caused by an act considered, in accordance with the law, to be conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct;
- b) an appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct; or
- c) a review by an appropriate authority determines that the release of the safety information is necessary for the proper administration of justice, and that its release outweighs the adverse domestic and international impact such release may have on the future availability of safety information.

### **5. PUBLIC DISCLOSURE**

5.1 Subject to the principles of protection and exception outlined above, any person seeking disclosure of safety information should justify its release.

5.2 Formal criteria for disclosure of safety information should be established and should include, but not necessarily be limited to, the following:

- a) disclosure of the safety information is necessary to correct conditions that compromise safety and/or to change policies and regulations;
- b) disclosure of the safety information does not inhibit its future availability in order to improve safety;
- c) disclosure of relevant personal information included in the safety information complies with applicable privacy laws; and
- d) disclosure of the safety information is made in a de-identified, summarized or aggregate form.

## **6. RESPONSIBILITY OF THE CUSTODIAN OF SAFETY INFORMATION**

Each SDCPS should have a designated custodian. It is the responsibility of the custodian of safety information to apply all possible protection regarding the disclosure of the information, unless:

- a) the custodian of the safety information has the consent of the originator of the information for disclosure; or
- b) the custodian of the safety information is satisfied that the release of the safety information is in accordance with the principles of exception.

## **7. PROTECTION OF RECORDED INFORMATION**

Considering that ambient workplace recordings required by legislation, such as cockpit voice recorders (CVRs), may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to:

- a) subject to the principles of protection and exception above, national laws and regulations should consider ambient workplace recordings required by legislation as privileged protected information, i.e. information deserving enhanced protection; and
  - b) national laws and regulations should provide specific measures of protection to such recordings as to their confidentiality and access by the public. Such specific measures of protection of workplace recordings required by legislation may include the issuance of orders of non-public disclosure.
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ATTACHMENT F -  
FRAMEWORK FOR THE STATE SAFETY PROGRAMME (SSP)

This attachment introduces a framework for the implementation and maintenance of a State safety programme (SSP) by a State. An SSP is a management system for the management of safety by the State. The framework contemplates four components and eleven elements, outlined hereunder. The implementation of an SSP is commensurate with the size and complexity of the State's aviation system, and may require coordination among multiple authorities responsible for individual elements of civil aviation functions in the State. The SSP framework introduced in this attachment, and the safety management system (SMS) framework specified by ICAO, must be viewed as complementary, yet distinct, frameworks. This attachment also includes a brief description of each element of the framework.

1. State safety policy and objectives
  - 1.1 State safety legislative framework
  - 1.2 State safety responsibilities and accountabilities
  - 1.3 Accident and incident investigation
  - 1.4 Enforcement policy
2. State safety risk management
  - 2.1 Safety requirements for the service provider's SMS
  - 2.2 Agreement on the service provider's safety performance
3. State safety assurance
  - 3.1 Safety oversight
  - 3.2 Safety data collection, analysis and exchange
  - 3.3 Safety-data-driven targeting of oversight of areas of greater concern or need
4. State safety promotion
  - 4.1 Internal training, communication and dissemination of safety information
  - 4.2 External training, communication and dissemination of safety information

*Note.— Within the context of this attachment the term “service provider” refers to any organization providing aviation services. The term includes approved training organizations that are exposed to safety risks during the provision of their services, aircraft operators, approved maintenance organizations, organizations responsible for type design and/or manufacture of aircraft, air traffic services providers and certified aerodromes, as applicable.*

**1. State safety policy and objectives**

**1.1 State safety legislative framework**

The State has promulgated a national safety legislative framework and specific regulations in compliance with international and national standards, that define how the State will conduct the management of safety in the State. This includes the participation of State aviation

organizations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities, and relationships of such organizations. The safety legislative framework and specific regulations are periodically reviewed to ensure they remain relevant and appropriate to the State.

## 1.2 State safety responsibilities and accountabilities

The State has identified, defined and documented the requirements, responsibilities and accountabilities regarding the establishment and maintenance of the SSP. This includes the directives to plan, organize, develop, maintain, control and continuously improve the SSP in a manner that meets the State's safety objectives. It also includes a clear statement about the provision of the necessary resources for the implementation of the SSP.

## 1.3 Accident and incident investigation

The State has established an independent accident and incident investigation process, the sole objective of which is the prevention of accidents and incidents, and not the apportioning of blame or liability. Such investigations are in support of the management of safety in the State. In the operation of the SSP, the State maintains the independence of the accident and incident investigation organization from other State aviation organizations.

## 1.4 Enforcement policy

The State has promulgated an enforcement policy that establishes the conditions and circumstances under which service providers are allowed to deal with, and resolve, events involving certain safety deviations, internally, within the context of the service provider's safety management system (SMS), and to the satisfaction of the appropriate State authority. The enforcement policy also establishes the conditions and circumstances under which to deal with safety deviations through established enforcement procedures.

# 2. State safety risk management

## 2.1 Safety requirements for the service provider's SMS

The State has established the controls which govern how service providers will identify hazards and manage safety risks. These include the requirements, specific operating regulations and implementation policies for the service provider's SMS. The requirements, specific operating regulations and implementation policies are periodically reviewed to ensure they remain relevant and appropriate to the service providers.

## 2.2 Agreement on the service provider's safety performance

The State has agreed with individual service providers on the safety performance of their SMS. The agreed safety performance of an individual service provider's SMS is periodically reviewed to ensure it remains relevant and appropriate to the service providers.

# 3. State safety assurance

### 3.1 Safety oversight

The State has established mechanisms to ensure effective monitoring of the eight critical elements of the safety oversight function. The State has also established mechanisms to ensure that the identification of hazards and the management of safety risks by service providers follow established regulatory controls (requirements, specific operating regulations and implementation policies). These mechanisms include inspections, audits and surveys to ensure that regulatory safety risk controls are appropriately integrated into the service provider's SMS, that they are being practised as designed, and that the regulatory controls have the intended effect on safety risks.

### 3.2 Safety data collection, analysis and exchange

The State has established mechanisms to ensure the capture and storage of data on hazards and safety risks at both an individual and aggregate State level. The State has also established mechanisms to develop information from the stored data, and to actively exchange safety information with service providers and/or other States as appropriate.

### 3.3 Safety-data-driven targeting of oversight of areas of greater concern or need

The State has established procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need, as identified by the analysis of data on hazards, their consequences in operations, and the assessed safety risks.

## **4. State safety promotion**

### 4.1 Internal training, communication and dissemination of safety information

The State provides training and fosters awareness and two-way communication of safety relevant information to support, within the State aviation organizations, the development of an organizational culture that fosters an effective and efficient SSP.

### 4.2 External training, communication and dissemination of safety information

The State provides education and promotes awareness of safety risks and two-way communication of safety relevant information to support, among service providers, the development of an organizational culture that fosters an effective and efficient SMS.

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